

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

SEAN MARK DALZIEL ET. AL.

CASE NO.: CL2178USPCT

APPLICATION NO.: 10/521369

GROUP ART UNIT: 1711

FILED: AUGUST 14, 2003

EXAMINER: RAZA, SAIRA B.

FOR: PROCESS FOR COATING A PHARMACEUTICAL PARTICLE

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RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

By Office Action dated December 30, 2005, the above-referenced application has been made subject to a requirement to restrict. The Examiner has taken the position that claims 1-20 (Group I) are drawn to a process for coating a pharmaceutical particle; claims 21-26 (Group II) are drawn to a composition comprising pharmaceutical particles; and claims 27-29 are drawn to a particle of ibuprofen.

Applicants elect Group I, claims 1-20. Accordingly, please cancel claims 21-28, without prejudice.

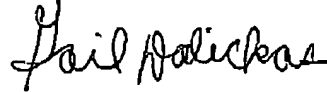
The Examiner also requires Applicants to elect a species of pharmaceutical particle, liquid coating material, carrier particles, and surface active agent. The elected claims do not include a surface active agent. Applicants elect anti-inflammatory pharmaceutical particles, as recited on page 11, line 16 of the specification (claims 2, 7, 11, 12, 14, and 20); biodegradable polymer coatings, as recited on page 13, lines 27-28 of the specification (claims 3, 4, 8, 11, and 12); and silica carrier particles, as recited on page 11, line 33 of the specification (claims 15, 16, 17 and 18). If Applicants are required to further elect a specific anti-inflammatory pharmaceutical particle, Applicants elect, with traverse, ibuprofen. This election is made with traverse because Applicants submit that the claimed process can be used to make coated particles of a wide variety of pharmaceutical compositions, and in particular, a wide variety of anti-inflammatory pharmaceutical compositions, and that the patentability of the process does not rely on the particular composition of the pharmaceutical particle and that the specification teaches one skilled in the art how to carry out the process for such pharmaceutical compositions. If Applicants are required to further elect a specific biodegradable polymer coating, Applicants elect, with traverse, Eudragit ® RL30D.

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Applicants traverse because Applicants submit that the claimed process can be carried out using a wide variety of coating materials and that the patentability of the claimed process does not rely on the specific composition of the coating material.

Respectfully submitted,



GAIL A DALICKAS
ATTORNEY FOR APPLICANTS
Registration No.: 40,979
Telephone: (302) 992-4947
Facsimile: (302) 992-5374

Dated: March 06, 2006